

CK.#024706 Recd. 10/10/08 Docket No. 08-CPCU-29  
55-760/312  
\$300.00 JH

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2008 OCT 10 PM 1:04

**TIDEWATER**  
**UTILITIES INC.**

DELAWARE

Certificate of Public Convenience and  
Necessity Application

Sussex County

Oyster Cove

# TIDEWATER

## UTILITIES, INC.

*"Southern Delaware's Premier Water Company Since 1964"*

October 10, 2008

Mr. Kevin Neilson  
Public Service Commission  
861 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904

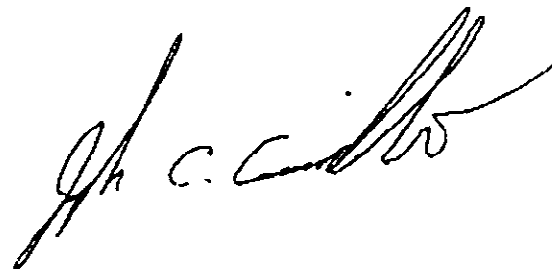
Re: CPCN Application -Oyster Cove

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Oyster Cove area located in Sussex County, Delaware.

Two original and ten copies of the application have been included. A check payable to the Public Service Commission in the amount of \$300.00 has also been included for the application fee. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-734-7500 Ext. 1014.

Respectfully,



Joseph C. Cuccinello  
CPCN Coordinator  
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures  
cc: Mr. Ed Hallock, DPH w/enclosures  
cc: Ms. Katherine Bunting-Howarth, DNREC w/enclosures

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED  
TO BEGIN OR EXPAND THE BUSINESS  
OF A PUBLIC WATER UTILITY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

Application Fee           \$300 for filing each extension to a CPCN  
                              \$750 for filing each original application for new water utility 26 Del. C. §114(a)

This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

**WATER UTILITIES:**           **Oyster Cove**

1. Basis for application:

- ☐ a. Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
- ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
- ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
- ☒ d. The applicant is in possession of a petition signed by a majority of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
- ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.

3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.

4. (a.) Full legal name and address of Applicant:

Tidewater Utilities, Inc.  
1100 South Little Creek Road  
Dover, Delaware 19901

(b.) Full name of the Utility's designated representative:

Joseph C. Cuccinello  
Emily R. Opdyke

(c.) Phone no: 302-734-7500 X1014 or X1012

(d.) Fax no: 302-734-9297

(e.) Email address: [jcuccinello@Tuiwater.com](mailto:jcuccinello@Tuiwater.com) or [eopdyke@tuiwater.com](mailto:eopdyke@tuiwater.com)

5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:

- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
- (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
- (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
- (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.

9. Copies of petitions signed by landowners showing a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**

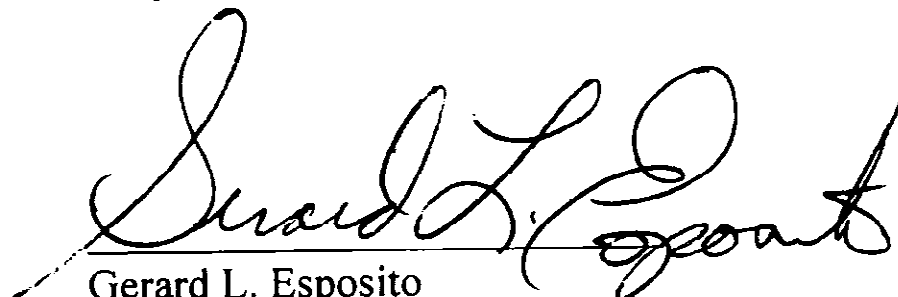
10. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, and Department of Natural Resources.

1.) The current status of such application is: **Sent**

(b.) The Applicant provides the following additional information with this application;

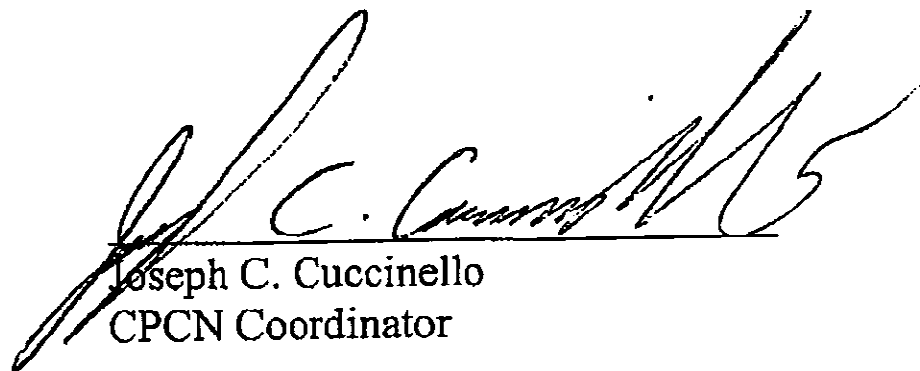
- 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
- 2.) A chart, which depicts the inter-company relationships, **On PSC File**
- 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
- 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
- 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
- 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,

  
Gerard L. Esposito  
President

### **Certification of Landowner Information Accuracy**

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello  
CPCN Coordinator

A

**PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC.  
WATER SERVICE TERRITORY**

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties:

Tax Parcel Number(s) 335-8.00-25.00

Owner's Signature(s): Barry J. Baker Date: 9/8/08

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Owner's Name(s): Barry J. Baker

Title:

Partner

Company:

Old Orchard Ventures, LLC

Owner's Address:

10 Adel Drive

Newark, Delaware 19702

00745

**B**



# TIDEWATER UTILITIES, INC.

*"Southern Delaware's Premier Water Company Since 1964"*

Certified Mail Receipt #7005 3110 0000 5448 3461

September 10, 2008

Mr. Barry Baker  
Old Orchard Ventures, LLC  
10 Adel Drive  
Newark, DE 19702

Dear Mr. Baker – Old Orchard Ventures, LLC:

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, parcel number 335-8.00-25.00, located in Sussex County.

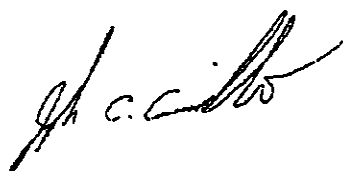
Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about October 10, 2008. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time.

Tidewater understands that customer satisfaction and quality water are the foundation of our business. In 2007 Tidewater was awarded the Torch Award by the Delaware Better Business Bureau for our Marketplace Ethics. Tidewater a part of Middlesex Water Company was recently named one of America's 100 most trustworthy publicly traded firms according to Audit Integrity, Inc. In addition, Tidewater was voted Best Tasting Water in 2007 by Delaware Rural Water Association.

If you have any questions in regards to this matter please feel free to contact me at 1-800-523-7224 ext. 1014.

Sincerely,



Joseph C. Cuccinello  
CPCN Coordinator

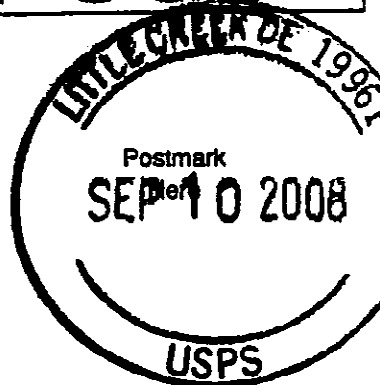
7005 3110 0000 5448 3461

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**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 42
Certified Fee	270
Return Receipt Fee (Endorsement Required)	220
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To: Barry Baker - Old Orchard Ventures  
 Street, Apt. No., or PO Box No. 10 Adel Drive  
 City, State, ZIP+4 Newark, DE 19702

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. Barry Baker  
 Old Orchard Ventures LLC  
 10 Adel Drive  
 Newark, DE 19702

**2. Article Number**  
 (Transfer from service label)

7005 3110 0000 5448 3461

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

X [Signature]

- ☐ Agent  
☐ Addressee

**B. Received by (Printed Name)**

HUDRA MORGAN

**C. Date of Delivery**

09-11-08

- D. Is delivery address different from item 1?** ☐ Yes  
 If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

- 4. Restricted Delivery? (Extra Fee)** ☐ Yes

C

**TAX Parcel Reference List**

**Exhibit C**

<b><u>Tax Map Parcel Numbers</u></b>	<b><u>Acres</u></b>	<b><u>Owner</u></b>
<b>335-8.00-25.00</b>	<b>7.98</b>	<b>Old Orchard Ventures 10 Adel Dr Newark, DE 19702</b>
<b>Total Acres</b>	<b>7.98</b>	

MAPS

SEE

ORIGINALS

IN DOCKET